

CLASSIFICATION OFFICE DECISION

Title of publication: 13.jpg

Other known title(s): Not stated

OFLC ref: 802390

Medium: Computer Image File

Publisher: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: Commissioner of Police

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 17 July 2009

Date of direction to issue a label: No direction to issue a label has been issued

Summary of reasons for decision:

The computer image file is a close-up view of a hand holding an erect penis. Because the age of the subject is uncertain, consideration has been given to whether the publication promotes or supports, or tends to promote or support, the exploitation of young persons for sexual purposes. The visual clues to the subject's age are insufficient to allow the conclusion that the genitals are those of a young person. However, given the explicit nature of the image and the fact that it is clearly intended for the purpose of sexual arousal, it is likely to have a harmful effect on the development of young viewers' sexual behaviour and attitudes.

The New Zealand Bill of Rights Act 1990 has been considered in the application of the criteria of the Films, Videos, and Publications Classification Act 1993 to this publication. The classification places a limit on the freedom of expression, but the availability of the publication to children and young people is likely to be injurious to the public good. The classification is reasonable, demonstrably justifiable and the minimum required to avoid injury.